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US PATENT & TRADEMARK  
OFFICE

On 4-7-03

TOWNSEND and TOWNSEND and CREW LLP

By: Linda Shaffer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alan R. Brooks, *et al.*

Application No.: 09/803,472

Filed: March 9, 2001

For: NOVEL ESTROGEN-  
REGULATED G PROTEIN GAMMA  
SUBUNIT: COMPOSITIONS AND  
METHODS OF USE

Examiner: Unassigned

Art Unit: 1645

REQUEST FOR REFUND

Commissioner for Patents and Trademarks  
Box 16  
Washington, D.C. 20231

Sir:

On January 24, 2003, Applicants mailed a Communication Under 37 C.F.R. §§ 1.821-1.825 and Preliminary Amendment and related documents to the U.S. Patent and Trademark Office in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated September 26, 2002. Copies of these documents are enclosed.

Previously, on August 27, 2001, Applicants had mailed a Communication Under 37 C.F.R. §§ 1.821-1.825 and Preliminary Amendment and related documents to the U.S. Patent and Trademark Office in response to the Notice to File Missing Parts of Nonprovisional Application dated April 27, 2001. Copies of these documents are also enclosed.

410.00

Dep & Ref

Room 307

PATENT

Attorney Docket No.: 15303-000510

Client Ref. No.: 51838AUSM1

#131 Reg for

refund

06-13-03

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Upon receipt of the Notice dated September 26, 2002, Applicants entered the Notice in queue for processing. A week before the November 26, 2002 deadline, Applicants began processing that Notice. At that time, Applicants noted that a sequence listing with amendment had previously been submitted. Applicants then phoned the Office of Initial Patent Examiners and spoke with Ms. Roxanne Rawls. Ms. Rawls requested that we send a copy of the return-receipt postcard for the papers mailed on August 27, 2001. Upon her further review, it was determined that the U.S. Patent and Trademark Office had received the Communication, Response to Missing Parts, and related documents mailed on August 27. These documents had then been sent to a third-party government contractor that processes sequence listings for the USPTO.

We then phoned the third-party contractor and spoke with Anne Corrigan, who informed us that they had not received the above-mentioned sequence listing, which is why the September 26, 2002 Notice was issued.

A further conversation with Ms. Roxanne Rawls indicated that there was an internal USPTO record showing that the sequence listing had been mailed to the third-party contractor. She also informed us that since we had gone more than 1 1/2 months past the November 26, 2002 due date for determining whether a response was necessary, we should immediately submit a response to the September 26, 2002 Notice and request a refund for the extension of time fees.

Therefore, it is Applicants' belief that the requirements of 37 C.F.R. 1.821(e) had been timely satisfied on August 27, 2001. Due to an internal mistake between the USPTO and the third-party contractor, a second response had to be filed. In addition, the process of determining whether or not Applicants had to incur the time and expense for reply to the second Notice caused the Applicants to take a two-month extension of time.

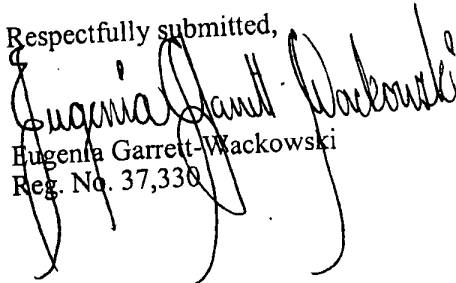
Applicants, therefore, request that the USPTO refund the fees submitted with the January 24, 2003 mailing, totaling \$410. Please credit these fees to Deposit Account No. 20-1430. This Request is submitted in duplicate.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
Eugenia Garrett-Wackowski  
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